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PATENT
Customer No. 22,852
Attorney Docket No. 8048.0029-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Soazig LEPRINCE) Group Art Unit: 3629
)
Application No.: 10/098,574) Examiner: Araque Jr., Gerardo
)
Filed: March 18, 2002)
)
For: APPARATUS AND METHOD FOR) Confirmation No.: 3216
PROVIDING HAIR TINTING)
INFORMATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

The following remarks are responsive to the Office Action dated October 11, 2006.

In the Office Action, the Examiner required restriction under 35 U.S.C. § 121 between groupings of the claims, as follows:

- Group 1: Claims 1-27, 179-198, 74-98, and 239-258, characterized by the Examiner as being drawn to a method of providing hair-tinting information;
- Group 2: Claims 28-53 and 199-218, characterized by the Examiner as being drawn to a method of providing hair-tinting information;
- Group 3: Claims 54-73 and 219-238, characterized by the Examiner as being drawn to a method of providing hair tinting information; and
- Group 4: Claims 99-129 and 130-178, characterized by the Examiner as being drawn to a method of providing hair-tinting advice.

On pages 2-5 of the Office Action, the Examiner acknowledged that the subject matter in Groups I-IV is related, but alleged that the subject matter has different modes of operation. Contrary to the Examiner's allegations, however, the claims relate to similar subject matter because they involve providing hair tinting information and features relating to hair tinting. Moreover, the specification discloses exemplary embodiments where various features recited in the claims of Groups I-IV are used together. Thus, no evidence supports the Examiner's allegations about the subject matter in Groups I-IV.

Accordingly, Applicant respectfully requests that the Examiner withdraw the restriction requirement. If the Examiner maintains the restriction requirement, Applicant respectfully requests that the Examiner make the requirement final to enable Applicant to file a petition seeking withdrawal of the requirement. To be fully responsive to the Office Action, Applicant provisionally elects with traverse to prosecute Group I, claims 1-27, 74-98, 179-198, and 239-258.

Applicant notes that the Office Action contains several statements reflecting characterizations of the claims. Regardless of whether any such statement is identified specifically herein, Applicant declines to automatically subscribe to any characterization of the claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 13, 2006

By: 

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